

Exhibit D

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

VESTA CORPORATION,

Plaintiff

VS.

VESTA MANAGEMENT SERVICES,
LLC

Defendant

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CIVIL ACTION NO. 4:15-CV-
00719

JURY TRIAL DEMANDED
INJUNCTION REQUESTED

**AFFIDAVIT IN SUPPORT OF DEFENDANT VESTA MANAGEMENT SERVICES'
RESPONSE TO PLAINTIFF VESTA CORPORATION'S
MOTION FOR SUMMARY JUDGMENT**

STATE OF TEXAS

COUNTY OF HARRIS

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I, Laura Krupala, being first duly sworn upon oath, says:

1. I am an authorized representative of Vesta Management Services, LLC the Defendant in the above-entitled action, and make this affidavit in support of Defendant Vesta Management Services' Response to Plaintiff Vesta Corporation's Motion for Summary Judgment.
2. I am the Managing Partner for Defendant Vesta Management Services, LLC.
3. I have worked in the Market Priced Multifamily Community industry for over 25 years.
4. The following facts are relevant to the issues involved in this action:
 - a. Defendant Vesta Management Services operates in the Market Priced Multifamily Community industry.
 - b. Plaintiff Vesta Corporation operates in the Affordable Housing Industry. According to the website for Vesta Corp www.vestacorp.com, Vesta Corp

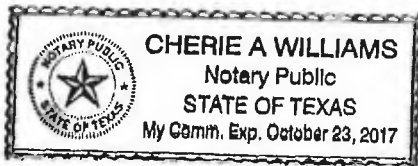
"seeks to acquire affordable housing communities, serving a variety of low income and at-risk communities."

- c. The Market Priced Multifamily Community industry is a different industry than the Affordable Housing Industry. As such, Vesta Management Services, LLC does not compete with Vesta Corporation for the same or similar products.
 - d. Defendant Vesta Management Services has not gained business as a result of Plaintiff Vesta Corporation having a similar name in a different industry.
 - e. Defendant Vesta Management Services has never deliberately capitalized on Plaintiff Vesta Corporation's reputation.
 - f. Defendant Vesta Management Services did not even know Plaintiff Vesta Corporation existed until it received Plaintiff's cease and desist letter in January of 2015. After receiving the cease and desist letter, research of the records of the Secretary of State revealed that when Vesta Management Services was formed in 2011, Vesta Corporation had forfeited its right to transact business in Texas in 2006.
 - g. When Defendant Vesta Management Services received Plaintiff Vesta Corporation's cease and desist letter it had the same subjective belief that it presently maintains: that it has in no way infringed on Plaintiff's mark.
 - h. The word "Vesta" is not part of the primary marketed name of Defendant Vesta Management Services' business. Instead, each property that is managed by Vesta Management Services, LLC is marketed using the name of the properties being managed, such as The Providence at Champions.
 - i. Vesta Management Services, LLC is the managing partner for InterCapital Group, LLC. InterCapital Group, LLC is primarily in the business of locating and acquiring multifamily properties through investment deals. Once the deals are completed, Vesta Management Services, LLC is engaged to manage the apartments and provide construction management, if renovations or upgrades are being done on the property.
 - j. Defendant Vesta Management Services has invested substantial sums of money on marketing and advertising that contains the word "Vesta," as both part of its name and as part of its logo.
5. The foregoing facts are known by me to be true, of my own knowledge. I am competent to testify to such facts, and would so testify if I appeared in court as a witness at the trial of the matter.

Laura Krupala

Laura Krupala

SUBSCRIBED AND SWORN TO before me this 13 day of Nov, 2015.



Cherie A. Williams
Notary Public in the State of Texas